



Ohio Administrative Code Rule 111:6-1-07 Investigations and Discipline.

Effective: September 22, 2019

(A) Upon receiving a signed complaint, or if the secretary of state has a reasonable basis to believe that a violation of Chapter 147. of the Revised Code has occurred, then the secretary of state shall designate an authorized agent to investigate the violation.

(B) After an investigation, the authorized agent shall forward the agents findings to the secretary of state, the person who filed the complaint and the notary public named in the complaint (the respondent). If, upon reviewing the agents findings, the secretary of state determines a violation of Chapter 147. of the Revised Code may have, or may occur, and wants to take action with respect to such possible violation, it shall send a written notice of such determination to the person who filed the complaint and the respondent. The respondent shall have fourteen days to request a hearing from the secretary of state. The request must be sent to the secretary of state with a copy to the director of business services of the secretary of state. The secretary of state shall schedule the hearing within fifteen days after receiving the request for a hearing and shall promptly notify the respondent of such date. Once a hearing is scheduled, the secretary of state shall appoint a hearing officer. The hearing officer must be admitted to the practice of law in Ohio and be knowledgeable of Ohio notary laws. The hearing date may be continued by the hearing officer, at the request of the secretary of state or the request of the respondent. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code.

(C) Prior to the hearing, the respondent shall have the opportunity to answer the complaint by filing a written answer with the secretary of state. Any subpoenas for the hearing shall be requested from the hearing officer for issuance by the secretary of state. The hearing officer may receive evidence from the secretary of state and the respondent. The respondent may be represented by counsel; however, counsel is not required. A stenographic transcript of the oral testimony at the hearing shall be made.

(D) Following the hearing, the hearing officer shall issue a report and recommendation to the secretary of state within fourteen days after completion of the hearing. A copy of this written report



shall, at the time it is submitted to the secretary of state, be forwarded by electronic means and certified mail to the respondent or his or her counsel. If a violation of Chapter 147. of the Revised Code is found, the hearing officer may recommend the following:

- (1) No action be taken;
 - (2) Revoke the notary public's commission;
 - (3) Suspend the notary public's commission for a specified period of time or until fulfillment of a condition, such as retraining, or both; or
 - (4) Issue a letter of admonition to the notary public that shall be placed in the notary public's record.
- (E) The respondent may file with the secretary of state written objections to the hearing officers report within ten days of the date of the respondents receipt of the report. The secretary of state shall render a decision within twenty days after the receipt of the hearing officers recommendation. The secretary of state shall send such decision to the respondent or his or her counsel by certified mail.
- (F) If a hearing is not timely requested by the respondent, the secretary of state may take the following action:
- (1) Revoke the notary public's commission;
 - (2) Suspend the notary public's commission for a specified period of time or until fulfillment of a condition, such as retraining, or both; or
 - (3) Issue a letter of admonition to the notary public that shall be placed in the notary public's record.
- (G) The respondent may appeal an adverse decision of the secretary of state under section 119.12 of the Revised Code.